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7 Attorneys for Defendants  
8 JOHNSON & JOHNSON SERVICES, INC.; JOHNSON &  
JOHNSON (erroneously sued as "Johnson & Johnson, Inc."); DEPUY  
9 ORTHOPAEDICS, INC.; PINNACLE WEST ORTHOPAEDICS,  
INC.; and GOLDEN STATE ORTHOPAEDICS, INC.

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 WILLIAM FRANCIS CONDON III,

13 Plaintiff,

14 vs.

15 JOHNSON & JOHNSON SERVICES,  
16 INC.; JOHNSON & JOHNSON, INC.;  
17 DEPUY ORTHOPAEDICS, INC.;  
18 THOMAS SCHMALZRIED, M.D.;  
19 PINNACLE WEST ORTHOPAEDICS,  
INC.; GOLDEN STATE  
20 ORTHOPAEDICS, INC.; AND DOES  
ONE through ONE HUNDRED,

21 Defendants.

22 Case No. CV14-04645-EMC

23 **STIPULATION TO STAY ALL  
PROCEEDINGS**

24 *[Filed concurrently with [Proposed] Order]*

25 Complaint Filed: August 27, 2014

26 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

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The parties to this action<sup>1</sup>, by and through the undersigned counsel, stipulate to stay all proceedings in this case pending a decision by the Judicial Panel on Multidistrict Litigation (“Panel”) on the transfer of this case to *In re DePuy Orthopaedics, Inc. Pinnacle Hip Implant Products Liability Litigation*, MDL Docket No. 2244, which is currently pending before Judge Ed Kinkeade in the United States District Court for the Northern District of Texas. A stay of this action will preserve the resources of the Court and all the parties involved. All parties agree that a stay of proceedings is necessary and appropriate to achieve the judicial economies that underlie 28 U.S.C. § 1407 and that the burden of duplicative litigation weighs heavily in favor of staying proceedings pending MDL transfer.

The parties further stipulate that deadlines to any outstanding responsive pleading are extended pending entry of a Scheduling Order in the MDL court addressing responsive pleadings and the deadline to file any remand motion is extended pursuant to the MDL court's August 14, 2012 "Order Regarding Cases Removed from State Court," and any subsequent orders that the MDL Court may issue.

For the foregoing reasons, the parties respectfully request that the Court grant their stipulation to stay all proceedings in this action pending its likely transfer to MDL 2244.

Respectfully submitted,

Dated: October 23, 2014

# WALKUP MELODIA KELLY & SCHOENBERGER

By /s/ Spencer Pahlke  
Khaldoun A. Baghdadi  
Spencer Pahlke  
Attorney for Plaintiff WILLIAM FRANCIS

<sup>1</sup> Although Johnson & Johnson Services, Inc., Johnson & Johnson (erroneously sued as "Johnson & Johnson, Inc."), Thomas Schmalzried, M.D., Pinnacle West Orthopaedics, Inc. and Golden State Orthopaedics, Inc. join in the filing of this stipulation, Johnson & Johnson Services, Inc., Johnson & Johnson, Thomas Schmalzried, M.D., Pinnacle West Orthopaedics, Inc. and Golden State Orthopaedics, Inc. expressly preserve all of their defenses, including lack of personal jurisdiction. Johnson & Johnson Services, Inc., Johnson & Johnson, Thomas Schmalzried, M.D., Pinnacle West Orthopaedics, Inc. and Golden State Orthopaedics, Inc. recognize that the MDL court will be best suited to oversee all overlapping issues in the Pinnacle Cup System cases.

1 CONDON III  
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Dated: October 23, 2014

**BARNES & THORNBURG LLP**

4 By /s/ Alexander G. Calfo  
5 Alexander G. Calfo  
6 Kelley S. Olah  
7 Gabrielle Anderson-Thompson  
8 Attorneys for Defendants  
9 JOHNSON & JOHNSON SERVICES, INC.;  
JOHNSON & JOHNSON (erroneously sued as  
"Johnson & Johnson, Inc."); DEPUY  
ORTHOPAEDICS, INC.; PINNACLE WEST  
ORTHOPAEDICS, INC.; and GOLDEN STATE  
ORTHOPAEDICS, INC.

10 Dated: October 23, 2014

**SEDGWICK LLP**

11 By /s/ Christopher P. Norton  
12 Ralph A. Campillo  
13 Wendy A. Tucker  
14 Christopher P. Norton  
15 Attorneys for Defendant  
16 THOMAS SCHMALZRIED, M.D.  
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9 INC.; and GOLDEN STATE ORTHOPAEDICS, INC.

10 UNITED STATES DISTRICT COURT  
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18 PINNACLE WEST ORTHOPAEDICS,  
INC.; GOLDEN STATE  
19 ORTHOPAEDICS, INC.; AND DOES  
ONE through ONE HUNDRED,

20 Defendants.

Case No. CV14-04645-EMC

**[PROPOSED] ORDER RE STIPULATION  
TO STAY ALL PROCEEDINGS**

Complaint Filed: August 27, 2014

23 TO ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

24 Upon consideration of the Stipulation to Stay Proceedings submitted by Plaintiff  
25 WILLIAM FRANCIS CONDON III, and Defendants JOHNSON & JOHNSON SERVICES,  
INC., JOHNSON & JOHNSON (erroneously sued as "Johnson & Johnson, Inc."), DEPUY  
26 ORTHOPAEDICS, INC., PINNACLE WEST ORTHOPAEDICS, INC., GOLDEN STATE  
27 ORTHOPAEDICS, INC., and THOMAS P. SCHMALZRIED, M.D. (hereafter collectively "the  
28

1 Parties"); upon consideration of all documents, files, and pleadings in this action; and upon good  
2 cause shown, it is hereby ORDERED that:

- 3 1. The Parties' request for a stay of proceedings is GRANTED;
- 4 2. All proceedings in this action are hereby stayed, pending a decision by the Judicial  
5 Panel on Multidistrict Litigation on whether this case should be transferred to In re DePuy  
6 Orthopaedics, Inc. Pinnacle Hip Implant Products Liability Litigation, MDL Docket No. 2244.
- 7 3. Deadlines relating to any outstanding responsive pleading are extended pending  
8 entry of a Scheduling Order in the MDL court addressing responsive pleadings and the deadline  
9 to file any remand motion is extended pursuant to the MDL court's August 14, 2012 "Order  
10 Regarding Cases Removed from State Court," and any subsequent orders that the MDL Court  
may issue.

11 PURSUANT TO STIPULATION, IT IS SO ORDERED.

12 Dated: 10/27, 2014

